



**JOINT MEETING OF THE MILPITAS CITY COUNCIL
AND HOUSING AUTHORITY COMMISSION**

AGENDA

TUESDAY, MARCH 3, 2015

**455 EAST CALAVERAS BOULEVARD, MILPITAS, CA
7:00 P.M.**



SUMMARY OF CONTENTS

- I. CALL TO ORDER by the Mayor**
- II. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- III. INVOCATION (Councilmember Giordano)**
- IV. APPROVAL OF COUNCIL MEETING MINUTES – February 7 and 17, 2015**
- V. SCHEDULE OF MEETINGS – COUNCIL CALENDAR March 2015**
- VI. PUBLIC FORUM**

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. However, the Council may instruct the City Manager to place the item on a future meeting agenda.

- VII. ANNOUNCEMENTS**
- VIII. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**
- IX. APPROVAL OF AGENDA**
- X. CONSENT CALENDAR (Items with asterisks*)**

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

- XI. PUBLIC HEARINGS**
 - 1. Conduct a Public Hearing and Adopt a Resolution Approving a Site Development Permit and Conditional Use Permit to Construct a 124-room, 5-story Springhill Hotel, Site Improvements and Alcohol Sale (Staff Contact: Cindy Hom, 408-586-3284)**
 - 2. Conduct a Public Hearing and Adopt a Resolution Approving a Site Development Permit and Conditional Use Permit to Construct a 128-room, 4-story Holiday Inn Hotel with Various Site Improvements on a 3.29 Acre Site and Alcohol Sale (Staff Contact: Tracy Tam, 408-586-3276)**

XII. UNFINISHED BUSINESS

- 3. Authorize City Manager to Execute Agreements with R3 Studios, Inc. to Hire a Landscape Architect Firm to Prepare a Street Tree Master Plan and with Our City Forest for Matching Grant for Future Volunteer Tree Planting Events (Staff Contact: Felix Reliford, 408-586-3071)**
- 4. Receive the Monthly Update of the Odor Control Report (Staff Contact: Steven Machida, 408-586-3355)**
- 5. Receive Update on the Objectives and Services of the Request for Proposals for Operation of the Community Access Television Channel 26 (Staff Contact: Mike Luu, 408-586-2706)**

XIII. REPORTS OF COMMISSIONS

- * 6. Approve the Long Term Youth Sports Field Maintenance Plan as Recommended by the Parks, Recreation & Cultural Resources Commission (Staff Contact: Renee Lorentzen, 408-586-3409)**
- 7. Receive Presentation and Approve the 2015 Work Plan of the Economic Development Commission (Staff Contact: Edesa Bitbadal, 408-586-3052)**

XIV. NEW BUSINESS

- * 8. Approve Grant Agreement with Federal Emergency Management Agency and the Department of Homeland Security in the Amount of \$48,713 with a Local Match of \$5,412 for the Purchase of a New Breathing Air Compressor for the Fire Department (Staff Contact: Geoff Maloon, 408-586-2800)**
- 9. Receive Oral Report on Current Crime Data for the City of Milpitas (Staff Contact: Steve Pangelinan, 408-586-2426)**
- 10. Receive the Mayor's Report on the 2015 National Mayor's Challenge for Water Conservation and Direct Staff to Enroll the City as a Participant (Staff Contact: Steve Machida, 408-586-3355)**
- 11. Consider Request from Milpitas Executive Lions Club to Co-Sponsor "Kids & Adults Day" on April 25, 2015 (Staff Contact: Renee Lorentzen, 408-586-3409)**

XV. RESOLUTION

- * 12. Adopt a Resolution Granting Initial Acceptance of the Milpitas Sports Center Locker Room Renovation Project No. 3408 and Granting Authorization to the City Manager to Reduce the Faithful Performance Bond, and Authorize the City Engineer to File a Notice of Final Acceptance after the One Year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)**

XVI. AGREEMENTS

- 13. Receive Presentation on the Proposed Milpitas Skate Park Feasibility Study, Direct Staff to Prepare a Funding Plan for Design and Construction of the Skate Park, and Approve Agreement Amendment No.1 with Stantec Consulting Services, Inc. Project No. 5100 (Staff Contact: Steve Machida, 408-586-3355)**

- * 14. Approve an Agreement with Swati Shaw doing business as Bay Area Gurukul for Recreation Classes (Staff Contact: Dale Flunoy, 408-586-3228)
- * 15. Approve Amendment No. 1 to the Agreement with BFGC Architects Planners, Inc. Doing Business as IBI Group Architecture Planning to Increase the Agreement Amount by \$75,115 for the Additional Design Work Related to the Milpitas Sports Center Pool Repairs, Project No. 3408 (Staff Contact: Steve Erickson, 408-586-3301)
- * 16. Authorize the City Manager to Execute an Agreement with Peckham & McKenney for the Financial Services Director and Public Works Director Recruitments (Staff Contact: Carmen Valdez, 408-586-3086)
- * 17. Approve a Consultant Agreement with M-Group, Inc. to Provide Contract Planning Services on an As-Needed Basis in the Amount of \$140,000 (Staff Contact: Steven McHarris, 408-586-3273)
- * 18. Approve the First Amendment to Consulting Services Agreement with Kelly Smith Doing Business as The Smith Firm (Staff Contact: Michael Ogaz, 408-586-3040)

XVII. JOINT MEETING OF CITY COUNCIL AND HOUSING AUTHORITY COMMISSION

HA1. Call to Order by the Mayor/Chair

HA2. Approval of Agenda/Consent Calendar

***HA3. Approve an Amendment to a Lease Agreement to Reduce Monthly Rent in Support of Milpitas Food Pantry Located at 1440 South Main Street (Staff Contact: Felix Reliford, 408-586-3071)**

HA4. Adjourn Joint Meeting

XVIII. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MARCH 17, 2015**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mogaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website.

All City Council agendas and related materials can be viewed online here:
www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Current vacancies on:
Community Advisory Commission
Sister Cities Commission

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3001 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.

AGENDA REPORTS

XI. PUBLIC HEARINGS

1. Conduct a Public Hearing and Adopt a Resolution Approving a Site Development Permit and Conditional Use Permit to Construct a 124-room, 5-story Springhill Hotel, Site Improvements and Alcohol Sale (Staff Contact: Cindy Hom, 408-586-3284)

Background: The project proposal is an adaptive reuse of an existing two-story industrial building and converting it into a five-story, 124 room hotel on a three-acre site. The project requires a Site Development Permit for the construction of the hotel with various site improvements, and a Conditional Use Permit to allow for the hotel use, sale of all types of alcohol in hotel bar, to exceed the maximum 35-foot height limitation and to increase the maximum permitted total Floor Area Ratio (FAR) from 50% to 61%.

The Planning Commission conducted a public hearing on February 11, 2015 and adopted a resolution recommending that the City Council approve the Site Development Permit and Conditional Use Permit for the five-story hotel and site improvement, subject to conditions of approval. Copies of the Planning Commission report and meeting minutes are included in the Council agenda packet.

Architecture and Site Design: The hotel is designed as a modern contemporary building. Projecting wall panels provide varying depth at the guestroom windows, and large scale openings at the public areas maximize the indoor/outdoor connection, natural light, and views. Exterior walls feature a combination of stucco with smooth sand finish, metal reveals, and smooth granite panels. Other building design elements include decorative canopies over entry ways, articulated roof cornice, and accent band wraps around the building at the third level that combined provide an architecturally interesting and compatible building within the area. The color scheme includes warm earth tones of beige, brown, gray, and a rustic red accent color. A color and materials board was submitted and reviewed by the Planning Commission. The proposed landscape plan identifies a total of 132 trees to be installed consisting of 24-inch to 48-inch box trees, decorative hardscape finishes, and outdoor pool and spa amenities.

Water Conservation Ordinance (240.2) Exception Request: The applicant also requested an exception from the Water Conservation Ordinance (No. 240.2), adopted City Council on August 26, 2014 which prohibits the use of potable water for irrigation of landscaping and water features. The subject site is not located near recycled water (over 1 mile), limiting water to only potable sources. The proposed landscaping is consistent with the City Water Efficient Ordinance, which requires watering efficiencies in landscaping. The proposed amenities, including a pool and spa are necessary to provide an attractive and enjoyable hotel experience. The new hotel provides addition Transit Occupancy Tax funds for the City revenues. Therefore, staff supports the exception request to allow the use of potable water for the new swimming pool and landscaping as part of the project.

Conclusion The requested Site Development Permit No. SD14-0015 and Conditional Use Permit No. UP14-0016 for a new hotel, revitalize and renovate an underutilized industrial property and the project has demonstrated consistency with the policies and guiding principles outlined in the General Plan, Climate Action Plan and the Zoning Code requirements and standards. Furthermore, the proposed use will help implement the City's economic development goals and provide necessary public infrastructure improvements to ensure an aesthetic and harmonious development. Additional details are provided in the attachments.

Alternatives:

1. Approve the Project as recommended by the Planning Commission on February 11, 2015.
2. Approve the Project as recommended by the Planning Commission with additional changes directed by the City Council.

3. Deny the Project.

Fiscal Impact: Positive fiscal impact due to hotel-generated revenues from Transient Occupancy Tax and Property Tax, estimated at \$482,000 and \$22,000 respectively, for a total of approximately \$504,000.

Attachments (in the Council agenda packet):

- 1A – draft Council Resolution
- 1B – 2-11-15 Planning Commission Staff Report
- 1C – 2-11-15 Planning Commission Meeting Minutes
- 1D – Adopted Planning Commission Resolution 15-007
- 1E – Site Development Plans
- 1F – Colored Elevations
- 1G - Air Quality Green House Gas Study

Recommendations:

1. Open public hearing to receive comments.
 2. Move to close the public hearing.
 3. Per Planning Commission’s recommendation, adopt a resolution approving Site Development Permit No. SD14-0015 and Conditional Use Permit No. UP14-0016 to allow for a partial demolition of an existing industrial building and permit construction of a 124-room, five-story Springhill hotel, site improvements, sale of all types of alcohol in hotel bar, exceed 35-foot height limit and an increase the maximum permitted total Floor Area Ratio (FAR) from 0.50 (50%) to 0.61 (61%), and exemption from the Water Conservation Ordinance.
2. **Conduct a Public Hearing and Adopt a Resolution Approving a Site Development Permit and Conditional Use Permit to Construct a 128-room, 4-story Holiday Inn Hotel with Various Site Improvements on a 3.29 Acre Site and Alcohol Sale (Staff Contact: Tracy Tam, 408-586-3276)**

Background: The project proposal is a new 128-room, four-story hotel on a 3-acre site located at 1100 Cadillac Court. The project requires a Site Development Permit for the construction of the four-story hotel and various site improvements, a Conditional Use Permit to allow the hotel use, restaurant with full bar, to exceed to maximum 35-feet or three stories height limitation and to increase the maximum allowed Floor Area Ratio (FAR) from 0.50 to 0.52.

The Planning Commission conducted a public hearing on February 11, 2015 and adopted a resolution unanimously recommending that the City Council approve the Site Development Permit, Conditional Use Permit and Variance for the four-story hotel and site improvements. A copy of the Planning Commission packets and meeting minutes are included as attachments.

Architecture and Site Design: The project incorporates a variety of architectural features such as: front and rear tower elements with a dark granite tile and with a smooth stucco finish, a dark earth tone stone veneer to assist with visually grounding the building, a porte-cochere for the entryway, an awning element for the meeting room and pre-function area, cornice treatment, and various band and trim elements. The development includes decorative pavers and concrete accent treatment for the entryway, pool and spa areas. A color and materials board was submitted and reviewed by the Planning Commission. The hotel and site has been architecturally designed to be compatible with the adjacent surrounding industrial business park through appropriate mass, architectural details, materials, and colors. This proposed development is compatible with existing and surrounding uses in that it provides for a complimentary service for overnight accommodations to serve business travelers.

Vehicular access to the project is from Cadillac Court and Fairview Way. There are two driveways located on Fairview Way and one driveway on Cadillac Court which all provide access to the project.

Water Conservation Ordinance (240.2) Exception Request: The applicant also requested an exception from the Water Conservation Ordinance (No. 240.2), adopted City Council on August 26, 2014 which prohibits the use of potable water for irrigation of landscaping and water features. The subject site is not located near recycled water (over 1 mile), limiting water to only potable sources. The proposed landscaping is consistent with the City Water Efficient Ordinance, which requires watering efficiencies in landscaping. The proposed amenities, including a pool and spa are necessary to provide an attractive and enjoyable hotel experience. The new hotel provides addition Transit Occupancy Tax funds for the City revenues. Therefore, staff supports the exception request to allow the use of potable water for the new swimming pool and landscaping as part of the project.

Conclusion: The requested Site Development Permit No. SD14-0016, Conditional Use Permit No. UP14-0017, and Variance No. VA14-0001 for a new hotel revitalizes a vacant site. The project has demonstrated consistency with the policies and guiding principles outlined in the General Plan, Climate Action Plan and the Zoning Code requirements and standards. The project will bring economic benefit to the City and improve existing public infrastructure. The proposed use will help implement the City's economic development goals and provide necessary public infrastructure improvements to ensure an aesthetic and harmonious development. Additional details are provided in the attachments.

Alternatives:

1. Approve the Project as recommended by the Planning Commission on February 11, 2015.
2. Approve the Project as recommended by the Planning Commission with additional changes directed by the City Council.
3. Deny the Project.

Fiscal Impact: Positive fiscal impact due to hotel-generated revenues from Transient Occupancy Tax and Property Tax, estimated at \$498,000 and \$23,000 respectively. For a total of approximately \$521,000.

Attachments (in the Council agenda packet):

- 2A – draft Council Resolution
- 2B – 2-11-15 Planning Commission Staff Report
- 2C – 2-11-15 Planning Commission Meeting Minutes
- 2D – Adopted Planning Commission Resolution 15-006
- 2E – Site Development Plans
- 2F – Colored Elevations
- 2G – BMP & Construction Measures
- 2H – Air Quality GHG Report
- 2I – Biological Resources Report

Recommendations:

1. Open the public hearing to receive comments.
2. Close the public hearing.
3. Per recommendation of the Milpitas Planning Commission, adopt a resolution approving Site Development Permit No. SD14-0016, Conditional Use Permit No. UP14-0017, Variance No. VA14-0001, and exemption from the Water Conservation Ordinance to construct a 128-room, four-story hotel with various site improvements on a 3.29 acre site, and to allow for the hotel use with a restaurant and a bar serving all types of alcohol, a Floor Area Ratio (FAR) and building height increase and a deviation from the setback requirements located at 1100 Cadillac Court.

XII. UNFINISHED BUSINESS

3. **Authorize City Manager to Execute Agreements with R3 Studios, Inc. to Hire a Landscape Architect Firm to Prepare Street Tree Master Plan and with Our City Forest for Matching Grant for Future Volunteer Tree Planting Events (Staff Contact: Felix Reliford, 408-586-3071)**

Background: Street Tree Master Plan Program-Landscape Architect

On January 6, 2015, the City Council held a work session with the Community Advisory Commission (CAC) to discuss a Street Tree Master Plan Program. In order to effectively coordinate the proposed planting of city street trees as recommended by CAC, staff recommended the Council authorize the professional services of a licensed landscape architect to assist staff and CAC on various tasks, including tree species selection and planting locations, and special city gateway plantings. At the work session, Council directed staff to pursue the hiring of a landscape architect, to be funded from developer community benefit contribution from planning entitlement projects. Staff completed the proposed scope of services for the initial phase of this item in an amount not to exceed \$20,000. The scope of work includes:

- Review of basic and technical data regarding the project;
- Meetings with Community Advisory Commission, Planning Commission, City Council to discuss concepts, budgets, milestones, project schedules, priorities;
- Site orientation visits to make field notes regarding existing site surrounding environment;
- Prepare rendered site plan for proposed street trees, buildings sidewalks;
- Prepare sheet illustrating specific installation (planting details) ;
- Prepare various notes including site conditions for installation of specific trees, future wayfinding and entry monuments, coordination with existing and proposed utilities and site furniture;
- Provide soil testing and agronomy report;
- Exhibits: City Street, Tree Plan Details and Notes; and
- Participate in six meetings.

Our City Forest-State Matching Grant Tree Planting

At the same January work session, members of the CAC discussed continuing to work with Our City Forest (OCF). OCF is a non-profit organization with a landscape contractor license and full-time certified arborists that oversee all the technical aspects of tree planting and tree care that serve all of Santa Clara County. At present, OCF has received a matching grant from the State of California to plant street trees within the southwestern portion of the City of Milpitas. The types of trees selected for the planting would be identified by the Landscape Architect with input from the CAC based the tree list provide by Our City Forest. Staff anticipates two separate tree planting events for a total of 200 trees (100 trees planted each event).

Staff is requesting Council authorize agreement with Our City Forest to obtain 200 trees at a cost of \$50 per tree for a total cost of \$10,000. Rhonda Berry, Executive Director, Our City Forest will present the OCF program, the Grant Program, the OCF tree list, and tree species diversification recommendations to the City Council. The \$30,000 funding for the landscape architect services and for Our City Forest services will be provided by Sullivan Real Estate Company. Sullivan is the developer for a project at 75 S. Milpitas Blvd. and the \$30,000 funding is a condition of approval for the recently approved development project. Our City Forest's tree list and informational flyer is provided in the Council's agenda packet.

Fiscal Impact: None. The \$30,000 funding for the landscape architect services and for Our City Forest services will be provided by Sullivan Real Estate Company.

Recommendations:

1. Authorize the City Manager to execute an agreement with R3 Studio, Inc. in the amount not to exceed \$20,000 to prepare a Street Tree Master Plan.
 2. Authorize the City Manager to execute an agreement with the non-profit Our City Forest in the amount not to exceed \$10,000 for 200 trees.
4. **Receive the Monthly Update of the Odor Control Report (Staff Contact: Steven Machida, 408-586-3355)**

Background: From January 12 through February 8, 2015, the Bay Area Air Quality Management District (BAAQMD) received 507 odor complaints originating in Milpitas. 223 complaints identified a garbage odor, 33 complaints identified a sewage odor, 248 complaints did not identify an odor source, and three complaints identified a mixed odor source. As of the last Council update, the City's odor reporting website has received 303 reported complaints.

Fiscal Impact: None.

Recommendation: Receive the odor report update from the City Engineer.

5. **Receive Update on the Objectives and Services of the Request for Proposals for Operation of the Community Access Television Channel 26 (Staff Contact: Mike Luu, 408-586-2706)**

Background: In April of 2009, Council approved an agreement with Milpitas Community Television (MCTV), for the operation of the Milpitas Public Access Channel and studio. The agreement was automatically renewed in April of 2012 for another three years. MCTV has been operating Channel 26 and the studio with funding from the City's franchise agreement with Comcast Inc. As part of the agreement, MCTV operates the studio and the City maintains and upgrades the equipment. The agreement will be up for renewal again in April of 2015. On November 18, 2014, staff presented to Council the recommendation for staff to go through with a Request For Proposals process to obtain an operator for the management of the community access television channel and studio. The goals for the operator will be:

- Implement a community television solution that is financially and operational stable.
- Provide techniques for assessing community needs and new opportunities.
- Provide opportunities for openness and transparency in the operation of the station.
- Increase community support.
- Provide innovations for advancing the station in the ever-changing technology of video and television production.
- Provide educational training programs, non-profit engagement and marketing that support community access television.
- Provide greater community station effectiveness to include independent art and cultural groups, entertainment groups, sports and recreation associations.

Fiscal Impact: The fiscal impact will be depended on which option Council directed staff to select. The fiscal impact ranges from \$15,000 to \$150,000. The fee schedule will also range from \$0 to \$100.00 per session cost to resident wanting to use the studio.

Alternative: The alternative is to re-negotiate a new contract with MCTV by implementing the goals and scope of work requested by the City in the RFP. MCTV has been managing and running the Channel and studio since its inception.

Recommendation: Receive the report on the Request for Proposals (RFP) objectives and direct staff to move forward with issuing of RFP or re-negotiate a new contract with Milpitas Community Television with the new goals and scope of work.

XIII. REPORTS OF COMMISSIONS

- * 6. **Approve the Long Term Youth Sports Field Maintenance Plan as Recommended by the Parks, Recreation & Cultural Resources Commission (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: At the February 2, 2015 Parks, Recreation and Cultural Resources Commission meeting, Commissioners voted to recommend that the City Council approve a Long Term Youth Sports Field Maintenance Plan. The Plan addresses both regular maintenance requiring the average 2-3 month closure for rest and re-seeding as well as extended closure for up to one year for fields that are in poorer condition. Youth Sport User Groups were also presented with the draft Long Term Youth Sports Field Maintenance Plan in December 2014 for their information. Fields identified for extended closure and the projected year for maintenance in the Plan are: Hall Field in 2015, Milpitas Sports Center Fields in 2016, and Dixon Fields in 2017.

Recommendation: Approve the Long Term Sports Field Maintenance Plan as recommended by the Parks, Recreation & Cultural Resources Commission.

- 7. **Receive Presentation and Approve the 2015 Work Plan of the Economic Development Commission (Staff Contact: Edesa Bitbadal, 408-586-3052)**

Background: Per Economic Development Commission (EDC) Bylaws, the EDC advises the City Council on business issues and implementation of a comprehensive economic development program for the City of Milpitas.

The Economic Development Commission is comprised of two sub-committees. Earlier this year, the Business Attraction and Retention subcommittee and Special Projects subcommittee held meetings to identify priorities for the 2015 EDC Work Plan. At the January 12 EDC meeting, Commissioners reviewed proposals from the Business Attraction and Retention subcommittee and Special Projects subcommittee that included some existing goals but mostly new goals for 2015. The Commission unanimously voted to approve a draft 2015 EDC Work Plan as submitted by the two subcommittees. The 2015 EDC Work Plan has short-term, mid-term, and long-term goals that include Marketing, Developments, Business Attraction and Retention, Green City, and Development of Milpitas Super Community Committee in preparation of upcoming events at Levi's Stadium. Included in the Council's packet is the Commission's proposed 2015 Work Plan for Council review and consideration.

Recommendation: Accept and approve the 2015 Economic Development Commission Work Plan.

XIV. NEW BUSINESS

- * 8. **Approve Grant Agreement with Federal Emergency Management Agency and the Department of Homeland Security in the Amount of \$48,713 with a Local Match of \$5,412 for the Purchase of a New Breathing Air Compressor for the Fire Department (Staff Contact: Geoff Maloon, 408-586-2800)**

Background: The Fire Department submitted an Assistance to Firefighters Grant application in December 2013 requesting funding for a new breathing air compressor. The Department of Homeland Security awarded the grant in September 2014. The Assistance to Firefighters Grant provides funding directly to fire departments to enhance operational response capabilities and firefighter safety.

The 2013 Assistance to Firefighters Grant is a 90/10 grant with a total project cost of \$54,125.00 of which \$48,713.00 is Federal dollars and \$5,412.00 is the local cost match which is available in the FY 2014-15 Fire Department operating budget.

Fiscal Impact: None. \$5,412 in local matching cost is available in FY 2014-15 Fire Department operating budget.

Recommendation: Approve the grant agreement with the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) in the amount of \$48,713 with a local match of \$5,412.00 for purchase of a new breathing air compressor for the Fire Department.

9. Receive Oral Report on Current Crime Data for the City of Milpitas (Staff Contact: Steve Pangelinan, 408-586-2426)

Background: Recently, Councilmember Giordano requested a report on crime from the Chief of Police, for the benefit of City Council and residents. She sought current crime statistics for 2014.

Recommendation: At the City Council meeting, receive a report on crime in Milpitas from the Chief of Police.

10. Receive the Mayor's Report on the 2015 National Mayor's Challenge for Water Conservation and Direct Staff to Enroll the City as a Participant (Staff Contact: Steve Machida, 408-586-3355)

Background: The Wyland Foundation's Annual National Mayor's Challenge for Water Conservation is held every Earth Month (April 1-30) to encourage cities across the nation to see which can be the most water wise by asking residents to take a series of informative, easy to use pledges to conserve water. Saving water has become one of the most discussed issues in the nation today. The National Mayor's Challenge for Water Conservation was created to reward residents for positive conservation behavior, provide immediate feedback with real time city by city results that can be measured against their neighboring cities, and set goals to promote positive changes in consumer behavior.

This year, Wyland Foundation requested that the City of Milpitas participate in the challenge. As the City Council is aware, citizens and businesses of Milpitas have done an outstanding job of conserving water during the past several years. The Challenge will provide additional outreach activities to encourage water conservation. Activities include the community's pledge to "fix leaky faucets, wash only full loads of laundry, sweep instead of using a hose, take shorter showers" etc. These are all activities that the City is encouraging the public to observe now. Participating cities will compete with similar sized cities so Milpitas will compete with other cities of a population 30,000 – 99,999.

Minimal staff involvement is required for administration of the program. Work performed by City staff will be included in the City's budgeted Water Conservation Outreach program.

California Environmental Quality Act: This action is exempt from CEQA as there will be no physical change to the environment.

Fiscal Impact: None. There are sufficient funds in the Water Conservation program.

Recommendation: Receive the Mayor's report on the 2015 National Mayor's Challenge for Water Conservation and direct staff to enroll the City as a participant.

11. Consider Request from Milpitas Executive Lions Club to Co-Sponsor "Kids & Adults Day" on April 25, 2015 (Staff Contact: Renee Lorentzen, 408-586-3409)

Background: At the February 17, 2015 City Council meeting, Thelma Batilo, of behalf of the Milpitas Executive Lions Club, requested a co-sponsorship of "Kids & Adults Day," a special

event similar to Special Olympics. The event is planned to include empowering sport competition in the Milpitas Sports Center's Gym, Dance Studio and Yard Pool on Saturday, April 25, 2015 from 2:00–5:00 PM for children and adults with varying abilities.

A co-sponsorship of this event would include use of the Sports Center Facility, its amenities and required staffing (building attendants and lifeguards) including:

- Large Gym
- Yard Pool
- Dance Studio
- Conference Room

A co-sponsorship of this event would also include the use of:

- City Hall Digital Marquee
- City Logo on event marketing materials

The City Council adopted a fee waiver/reduction policy which established requirements and a \$1,500 maximum limit. The fee waivers/reductions only apply to services provided by the City during its regular course of business such as rental fees for the City's facilities or equipment, building permit fees, or fire permit fees. The policy prohibits the waiver of any staff overtime costs required due to an event.

City Council has the option to: 1) authorize the City Clerk to execute the Fee Waiver request for the maximum amount of \$1,500; or 2) allow the City to participate as a "co-sponsor" of the event in an amount of \$1,847 with use of the City Marquee and use of the City Logo on event marketing materials.

Fiscal Impact: \$1,500 or \$1,847.

Recommendation: Either approve Option 1 to waive City fees in an amount not to exceed \$1,500; or Option 2 to approve to co-sponsoring the Milpitas Executive Lions Club's "Kids & Adult Day" on April 25, 2015 and waive City fees in the amount of \$1,847.

XV. RESOLUTION

- * 12. Adopt a Resolution Granting Initial Acceptance of the Milpitas Sports Center Locker Room Renovation Project No. 3408 and Granting Authorization to the City Manager to Reduce the Faithful Performance Bond, and Authorize the City Engineer to File a Notice of Final Acceptance after the One Year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The Council awarded the Milpitas Locker Room Renovation Project to S & H Construction, Inc. on March 4, 2014. The project reconstructed the men's and women's main locker rooms, restrooms and showers at the Milpitas Sports Center.

Construction was completed and Council is recommended to adopt a resolution granting initial acceptance of the project, and commence the one year contractor warranty period, authorize the City Manager to reduce the faithful performance bond to \$87,466.16, which is 10% of the final contract value, and authorize the City Engineer to file the Notice of Final Acceptance after the one year warranty period and to release and discharge the performance bond without further City Council action, provided all warranty work is completed to the satisfaction of the City Engineer.

Fiscal Impact: None.

Recommendation: Adopt a resolution:

1. Granting initial acceptance of the Milpitas Sports Center Locker Room Renovation Project No. 3408, subject to a one year warranty period.

2. Authorizing the City Manager to reduce the faithful performance bond to 10% of the final contract value.
3. Authorizing the City Engineer to file the Notice of Final Acceptance after the one-year warranty period and to discharge the performance bond without further City Council action.

XIX. AGREEMENTS

13. Receive Presentation on the Proposed Milpitas Skate Park Feasibility Study, Direct Staff to Prepare a Funding Plan for Design and Construction of the Skate Park, and Approve Agreement Amendment No.1 with Stantec Consulting Services, Inc. Project No. 5100 (Staff Contact: Steve Machida, 408-586-3355)

Background: On November 5, 2013, the Council directed staff to proceed with a feasibility study for the construction of a new skate park. The feasibility study reviewed eight potential sites for a new skate park and it was determined that the Milpitas Sports Center is the preferred site due to its location and the possibility to incorporate new field layouts for the soccer/football fields. The Sports Center provides a large area to accommodate up to a 20,000 square foot skate park with existing amenities already on site including, restrooms, City Sports Center staff, parking, good visibility for security, access to public transportation, and it would be adjacent to other Sports Center activities. Staff believes the Sports Center location would have the least residential impacts.

A previous Milpitas Skate Park was located at Peter Gill Park and opened in early 1996. Police records indicate the average annual number of service calls received for Gill Park in 1996 was 177. Annual service calls for years 1994 and 1995 prior to the opening of the skate park averaged 35, with the majority of calls for after hours noise and trespassing.

The feasibility study identified three skate park concept plans developed for review by the community. Two Community meetings were held to review the plans and gain feedback. Based on community input, a final concept plan was completed and was presented to the Youth Advisory Committee and to the Parks, Recreation and Cultural Resources Commission (PRCRC).

Estimated costs to design and construct the new skate park is \$1.5 million in current dollars. Funding for the design and construction has not been identified. However, several funding opportunities including grants are identified in the Feasibility Study. In January, staff presented the 2015-20 Capital Improvement Program to the PRCRC to seek recommendation for City park priorities. The PRCRC did not recommend the skate park as a priority due to competing needs at the Sports Center, narrow population served by the park, and other parks in need of improvements. Staff currently seeks direction from the City Council on how to proceed with the skate park project.

On August 27, 2014, staff negotiated an agreement with Stantec Consulting Services, Inc. in the amount of \$19,499 for the completion of the skate park feasibility study to determine the best location for a new skate park. The agreement is from August 27, 2014 to June 30, 2015. Staff recommends an amendment to Stantec's agreement to address additional work necessary to prepare public presentations and attend additional public meetings, and incorporate additional comments to complete the final feasibility study. Amendment No. 1 to the agreement with Stantec Consulting Services Inc. is proposed for these additional services. Staff negotiated a fee for these services not to exceed \$5,000 which would bring the total agreement amount to \$24,499.

Fiscal Impact: None. Sufficient funds are available in the project budget.

Recommendations:

1. Receive a presentation on Milpitas Skate Park Feasibility Study Project No. 5100.

2. Direct staff to prepare a funding plan for Design and Construction of the Skate Park.
3. Approve Amendment No. 1 to the Agreement with Stantec Consulting Services, Inc. in the amount of \$5000 for the Skate Park Feasibility Study, Project No. 5100.

*** 14. Approve an Agreement with Swati Shaw doing business as Bay Area Gurukul for Recreation Classes (Staff Contact: Dale Flunoy, 408-586-3228)**

Background: The City of Milpitas and Swati Shaw doing business as Bay Area Gurukul entered into a recreation services agreement effective from July 1, 2014 to June 30, 2015. The agreement was for general Youth Program classes in an amount not to exceed \$15,000.

Due to unanticipated high enrollments, program participation and adding Pre-K Enrichment classes, approval of the agreement is now required by the City Council. The total compensation amount for the contractor will increase by \$15,000, increasing the total contract amount to \$30,000. Funds were approved by the City Council during the FY 2014-15 budget hearing and are available in the Recreation Services operating budget for these services.

Fiscal Impact: None.

Recommendation: Approve a Recreation Services Agreement with Swati Shaw doing business as Bay Area Gurukul for Pre-K Enrichment and Youth Program classes in the amount not to exceed \$30,000.

*** 15. Approve Amendment No. 1 to the Agreement with BFGC Architects Planners, Inc. Doing Business as IBI Group Architecture Planning to Increase the Agreement Amount by \$75,115 for the Additional Design Work Related to the Milpitas Sports Center Pool Repairs, Project No. 3408 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On August 5, 2014, the City entered into a consultant agreement with BFGC Architects Planners, Inc. doing business as IBI Group Architecture Planning in the amount of \$76,000 to provide design services for the repair and resurfacing of the three Sports Center pools. IBI group was selected through a request for qualifications process that the Engineering Department conducted in June 2013.

Staff and the design consultant completed a site investigation, condition assessment and as-built survey for the pool complex. The assessment discovered unforeseen problems with the pool piping and lighting systems that are original to the facility and date back 30 plus years. During a December 2014 storm, a pool circulation pump was damaged and created several leaks within the pool system further confirming the need to replace the under deck piping. The pool piping replacement will require removal and replacement of the pool deck and drainage which is also cracked and distressed and the walkway slopes are not up to current Americans with Disabilities Act (ADA) requirements. Staff recommends expanding the design scope of work to include the replacement of the concrete pool deck, underlying pool piping and lighting systems with the resurfacing of the pools to minimize the amount of time the pools would have to be closed to the public and capture economy of scale with the resurfacing work.

An amendment to IBI Group's contract is recommended in order to address this additional work. With the amendment, additional design work continues with IBI Group rather than a second designer to allow for uniformity and conformity in the design and to keep the project on schedule for construction in fall of this year. Amendment No. 1 to the agreement with IBI Group is proposed for these additional services. Staff negotiated a fee for these services not to exceed \$75,115, so with the amendment the total agreement amount would be \$151,115.

Fiscal Impact: None. Sufficient funds are available in the project budget.

Recommendation: Approve Amendment No. 1 to the agreement with BFGC Architects Planners, Inc. doing business as IBI Group Architecture Planning to increase the agreement amount by \$75,115 for the additional design work related to the Milpitas Sports Center Pool Repairs, Project No. 3408.

- * 16. **Authorize the City Manager to Execute an Agreement with Peckham & McKenney for the Financial Services Director and Public Works Director Recruitments (Staff Contact: Carmen Valdez, 408-586-3086)**

Background: The City has vacancies in two positions identified by the City Manager as key senior management hires. Recruitment efforts for the Financial Services Director and the Public Works Director will target the most qualified candidates to meet the City's need for continued management leadership.

Staff recommends the firm of Peckham & McKenney which has a national reputation for conducting quality searches and placing exceptional candidates. With more than 50 years of combined experience in executive search, management and local government, Peckham & McKenney brings a high level of service to the industry. Peckham & McKenney is familiar with Santa Clara County and the surrounding region and has been utilized extensively for executive recruitment and selection efforts throughout the Bay Area.

Fiscal Impact: Cost of the recruitment and selection processes for these two executive positions will not exceed \$45,000 total for both recruitments including out of pocket expenses, such as clerical, advertising, copying, telephone conversations and travel.

Recommendations:

1. Authorize the City Manager to execute an agreement with Peckham & McKenney, subject to approval as to form by the City Attorney, in an amount not to exceed \$45,000 for the administration of recruitment and selection for a Financial Services Director and a Public Works Director.
2. Request approval of a budget appropriation of \$45,000.

- * 17. **Approve a Consultant Agreement with M-Group, Inc. to Provide Contract Planning Services on an As-Needed Basis in the Amount of \$140,000 (Staff Contact: Steven McHarris, 408-586-3273)**

Background: The City of Milpitas is experiencing an increase in significant complex development projects particularly within the Transit Area Specific Plan area. The Planning and Neighborhood Services Department requests approval from the City Council to enter into a consultant agreement with M-Group, Inc. for high quality contract planning staff services effective on March 4, 2015 to June 30, 2016 for the amount of \$140,000. The services provided will aid staff in streamlining of the development review process and ensure that the planning and economic development of the City of Milpitas proceeds as envisioned by the City Council.

Fiscal Impact: Consultant services will be cost recoverable from application Private Job (PJ) accounts.

Recommendations:

1. Approve a consultant agreement with M-Group, Inc. for design review services on an as-needed basis for the term from March 4, 2015 to June 30, 2016 in the amount of \$140,000.
2. Approve an appropriation in the amount of \$140,000 to the Planning and Neighborhood Services Department Fiscal Year 2014-15 and 2015-16 Operating Budget.

- * 18. **Approve the First Amendment to Consulting Services Agreement with Kelly Smith Doing Business as The Smith Firm (Staff Contact: Michael Ogaz, 408-586-3040)**

Background: In January of this year, in order to provide representation before CalRecycle, a State agency which oversees solid waste permits, the City entered into an agreement with Kelly Smith/The Smith Firm for \$15,000 under City Manager authority. Now that it appears the solid waste permit will be issued, the City Attorney's Office wishes to augment the agreement to add \$20,000 so that Mr. Smith can represent the City on an appeal challenging that solid waste permit for the Newby Island landfill.

Fiscal Impact: The amendment adding \$20,000 to the Agreement is within the City Attorney's office budget for outside counsel.

Recommendation: Approve Amendment No. to the agreement with Kelly Smith doing business as The Smith Firm for consulting services.

XX. JOINT MEETING OF CITY COUNCIL AND HOUSING AUTHORITY COMMISSION

***HA3. Approve an Amendment to a Lease Agreement to Reduce Monthly Rent in Support of Milpitas Food Pantry Located at 1440 South Main Street (Staff Contact: Felix Reliford, 408-586-3071)**

Background: On January 27, 2015, the Milpitas Housing Authority received a letter from Karen Kolander, Director of Milpitas Food Pantry, requesting a reduction in the monthly rent for the property owned by Milpitas Housing Authority at 1440 South Main Street. Currently, Milpitas Food Pantry pays \$1,600 per month rent and the lease agreement runs from September 30, 2014 to September 30, 2015. The Food Pantry requested monthly rent based on its limited sources of income. The non-profit's revenue is derived only from private donations and services provided to residents of Milpitas.

Staff recommends the Milpitas Housing Authority Board approve the reduction of monthly rent to \$1.00 based on the following significant public benefit. Milpitas Food Pantry provides vital community services of emergency and supplemental food and clothing to over 4,000 very low income families and individuals. Approximately 80% of Milpitas Food Pantry clientele are Milpitas residents. Milpitas Food Pantry - unlike other Community Development Block Grant (CDBG) Public Service Providers - is unable to generate additional financial income from other cities and governmental agencies and receives the majority of its income from CDBG funds and private donations. Milpitas Food Pantry provides services which assists City of Milpitas in reduction of its homeless population. Milpitas Food Pantry has instituted a "First Friday Senior Pantry Plus" Program aimed with monthly food supplements to 600 seniors in brown bag program. This service provides another benefit to very low income senior residents of Milpitas.

Fiscal Impact: Reduction of \$19,200 annually from Milpitas Housing Authority Budget.

Recommendation: Approve an Amendment to the Lease Agreement with the Milpitas Food Pantry to reduce the monthly rent from \$1,600 per month to \$1.00 only per month.

XVIII. ADJOURNMENT